

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

EDWARD SMITH

PLAINTIFF

VS.

CAUSE NO. 3:04CV678WS

ALLTEL COMMUNICATIONS, INC.

DEFENDANT

**ORDER GRANTING DEFENDANT'S MOTION FOR ORDER COMPELLING
ARBITRATION AND DISMISSING LAWSUIT**

THIS MATTER is before the Court on the motion of Defendant, Alltel Communications, Inc. ("ACI") for an order compelling arbitration and for a stay of these proceedings, pending arbitration. The Court, having been advised that ACI's motion had been pending since July 29, 2005, and having received neither a response from Plaintiff nor notice of Plaintiff's intent not to respond as required by Local Rule 7.2(C)(1), finds that ACI's motion should be GRANTED as unopposed, pursuant to Local Rule 7.2(C)(2).

IT IS THEREFORE ORDERED AND ADJUDGED, that ACI's Motion for Order Compelling Arbitration is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that this lawsuit is dismissed. If any party is aggrieved over the arbiter's decision, said party may challenge such decision in a subsequent filing.

SO ORDERED, this 28th day of February, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE